

Affected Agency Notified: Yes  
Emergency Required: No  
Budget Adjust. Required: No  
Board Rec. Required: Yes  
Public Hearing: November 23, 2009  
Sponsor: Compton  
Date: October 28, 2009

## EXPLANATION TO COUNCIL BILL NO. 2009 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone the subject property generally located on the south side of the 500-600 blocks of W. Sunset Street, from an R-SF, Single-Family Residential District to an O-1, Office District and GR, General Retail District.

### ZONING CASE NUMBER Z-14-2009

#### BACKGROUND INFORMATION:

The applicant is proposing to rezone approximately 10.84 acres of land from an R-SF, Single-Family Residential District to an O-1, Office District and GR, General Retail District. This would allow a residential care facility as a permitted use at this location and extend the General Retail uses to the new extension of Market Avenue.

#### RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on November 5, 2009 and recommended \_\_, by a vote of \_\_ to \_\_, of the proposed zoning on the tracts of land described on the attached sheet (see the attached Record of Proceedings).

The Planning and Development staff recommends **approval** of the proposed zoning with the conditions listed below (see the attached Zoning and Subdivision Report).

#### FINDINGS FOR STAFF RECOMMENDATION:

1. The Comprehensive Plan designates this area as appropriate for medium-intensity retail, office or housing uses.
2. The O-1, Office District is designed to be a restrictive district for low-intensity office or professional uses which may be located outside the center city adjacent to any of the residential districts.
3. The GR, General Retail District is intended for uses that provide community-wide personal and business services. The General Retail District is consistent and comparable with the existing intensity of uses located along Campbell Avenue.

FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

1. None

Submitted by:

Approved by:

Michael K MacPHERSON

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Planning and Development

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City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Record of Proceedings

Exhibit C, Location Map

ATTACHMENTS:

Attachment 1, Background Report

Attachment 2, Neighborhood Meeting Summary

EXHIBIT A  
LEGAL DESCRIPTION  
ZONING CASE Z-14-2009

**PROPOSED ZONE O-1 DESCRIPTION**

A TRACT OF LAND BEING A PART OF THE EAST ONE-HALF (E½) OF LOT 2 OF THE NORTHEAST FRACTIONAL QUARTER (NE¼) OF SECTION 2, TOWNSHIP 28 NORTH, RANGE 22 WEST IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 19 IN GREENWOOD HILLS 1<sup>ST</sup> ADDITION, SAID POINT BEING ON THE EAST LINE OF LOT 42 IN MARDEANA HILLS SOUTH; THENCE N00°04'14"E, ALONG THE EAST LINE OF SAID LOT 42, 29.66 FEET TO THE NORTHEAST CORNER OF SAID LOT 42, THE SAME BEING THE SOUTHEAST CORNER OF LOT 3 IN MARDEANA HILLS SOUTH 1<sup>ST</sup> ADDITION; THENCE N00°44'28"E, ALONG THE EAST LINE OF SAID MARDEANA HILLS SOUTH 1<sup>ST</sup> ADDITION, 239.63 FEET TO THE NORTHEAST CORNER OF LOT 1, THE SAME BEING THE SOUTHEAST CORNER OF LOT 34 IN MARDEANA HILLS SOUTH 3<sup>RD</sup> ADDITION; THENCE N01°25'44"E, ALONG THE EAST LINE OF SAID MARDEANA HILLS SOUTH 3<sup>RD</sup> ADDITION, 363.43 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SUNSET STREET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES: 1) S88°22'14"E, 258.85 FEET; 2) S85°48'42"E, 250.96 FEET; 3) N89°48'47"E, 67.66 FEET; 4) N86°32'07"E, 49.02 FEET; 5) N84°30'33"E, 43.23 FEET TO A POINT ON THE CENTERLINE OF THE PROPOSED EXTENSION OF MARKET AVENUE; THENCE ALONG SAID CENTERLINE THE FOLLOWING FOUR (4) COURSES: 1) S03°12'18"W, 47.61 FEET; 2) ALONG A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 175.00, A CENTRAL ANGLE OF 34°18'51", AN ARC LENGTH OF 104.81 AND A CHORD BEARING OF S20°21'44"W; 3) ALONG A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 175.00, A CENTRAL ANGLE OF 36°14'15", AN ARC LENGTH OF 110.68 AND A CHORD BEARING OF S19°24'02"W; 4) S01°16'54"W, 380.32 FEET TO A POINT ON THE NORTH LINE OF SAID GREENWOOD HILLS 1<sup>ST</sup> ADDITION; THENCE N88°45'14"W, ALONG SAID NORTH LINE, 597.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 385,624.0 SQ. FT. (8.85 ACRES) AND BEING SUBJECT TO ANY EASEMENTS AND RIGHTS-OF-WAY OF RECORD

**PROPOSED ZONE GR DESCRIPTION**

A TRACT OF LAND BEING A PART OF THE EAST ONE-HALF (E½) OF LOT 2 OF THE NORTHEAST FRACTIONAL QUARTER (NE¼) OF SECTION 2, TOWNSHIP 28 NORTH, RANGE 22 WEST IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

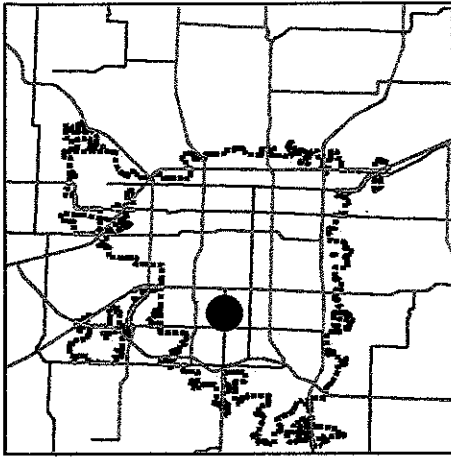
COMMENCING AT THE NORTHWEST CORNER OF LOT 19 IN GREENWOOD HILLS 1<sup>ST</sup> ADDITION, SAID POINT BEING ON THE EAST LINE OF LOT 42 IN MARDEANA HILLS SOUTH; THENCE S88°45'14"E, ALONG THE NORTH LINE OF SAID GREENWOOD HILLS 1<sup>ST</sup> ADDITION, 597.75 FEET TO A POINT ON THE CENTERLINE OF THE PROPOSED EXTENSION OF MARKET AVENUE FOR A POINT OF BEGINNING; THENCE ALONG SAID CENTERLINE THE FOLLOWING FOUR (4) COURSES: 1) N01°16'54"E, 380.32 FEET; 2) ALONG A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 175.00, A CENTRAL ANGLE OF 36°14'15", AN ARC LENGTH OF 110.68 AND A CHORD

BEARING OF N19°24'02"E; 3) ALONG A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 175.00, A CENTRAL ANGLE OF 34°18'51", AN ARC LENGTH OF 104.81 AND A CHORD BEARING OF N20°21'44"E; 4) N03°12'18"E, 47.61 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SUNSET STREET; THENCE N84°30'33"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 84.14 FEET; THENCE S01°14'46"W, 638.75 FEET TO THE NORTHEAST CORNER OF LOT 12 IN SAID GREENWOOD HILLS 1<sup>ST</sup> ADDITION; THENCE N88°45'14"W, ALONG THE NORTH LINE OF SAID GREENWOOD HILLS 1<sup>ST</sup> ADDITION, 153.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 86,745.2 SQ.FT. (1.99 ACRES) AND BEING SUBJECT TO ANY EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B  
RECORD OF PROCEEDINGS  
ZONING CASE Z-14-2009

(The Record of Proceedings will be prepared for the City Council meeting)



# Zoning & Subdivision Report

Planning & Development - 417/864-1611  
840 Boonville - Springfield, Missouri 65801

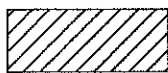
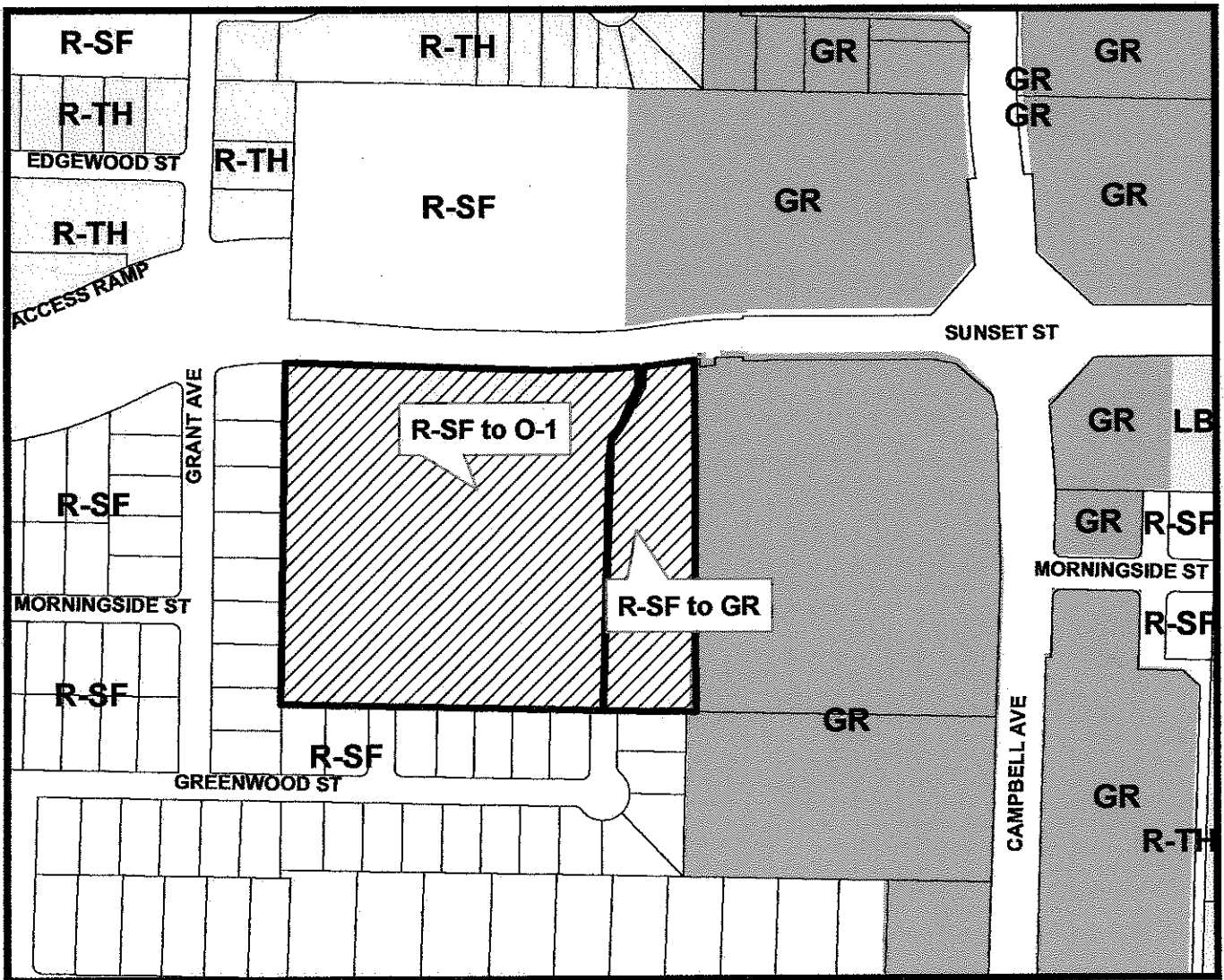
**Z-14-2009**

Location: 500-600 block s/s W. Sunset Street

Current Zoning: R-SF, Single-Family Residential

Proposed Zoning: O-1, Office and GR, General Retail

## LOCATION SKETCH



- Area of Proposal

0 100 200 400 600  
Feet

1 inch = 300 feet

ATTACHMENT 1  
BACKGROUND REPORT  
ZONING CASE Z-14-2009

DATE: October 28, 2009

LOCATION: 500-600 blocks s/s W. Sunset Street

APPLICANT: OM & TAT, LLC

TRACT SIZE: Approximately 10.84 acres

EXISTING USE: Commercial uses and undeveloped land

PROPOSED USE: Office uses (Residential care facility) and General Retail uses

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	PD	Retail uses
East	GR	RV and ATV sales & service uses
South	R-SF	Single-family residential
West	R-SF	Single-family residential

HISTORY:

This case was tabled by the applicant at the Planning Commission meeting on October 8<sup>th</sup>.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

1. The submitted Trip Generation Report shows that the intended use of the property would not cause a significant increase in the number of trips generated.
2. Any public or private access to Sunset Street west of the Market Avenue extension will require Sunset to be widened to match the roadway width at the west property line, approximately 59 feet in width.
3. The existing sidewalk appears to have portions outside of right-of-way. As part of any subdivision activity, additional right-of-way will be required along the eastern half of the frontage.

#### STORMWATER COMMENTS:

1. Drainage patterns for any runoff currently flowing across the site must not be blocked or altered by any future construction.
2. Any increase in impervious area from 1983 aerial photo information will require the development to meet current detention and water quality requirements. Impervious surfaces in place prior to 1983 and in currently in good condition can be credited as existing impervious surface.
3. Concentrated points of discharge from these improvements will be required to drain into a natural channel, public right-of-way, or a drainage easement.
4. Any redevelopment is required to meet the current requirements of the Storm water Design Criteria Manual at time of development.
5. Provide a sediment and erosion control plan at time of development.
6. Provide a MDNR and/or City Land Disturbance Permit at time of development, if disturbing one acre or more or in a protected watershed.

#### SANITARY SERVICES COMMENTS:

No issues.

#### ADJACENT PROPERTY OWNER COMMENTS:

Thirty-eight (38) property owners are located within one hundred eighty-five (185) feet of the subject property and were notified by mail of this request.

#### NEIGHBORHOOD MEETING:

The applicant held a second neighborhood meeting with the revised rezoning request on October 15, 2009 at Fire Station #8 on South Scenic at 6:30 p.m. Ten (10) property owners were present. A summary of the meeting is attached (Attachment 2).

#### STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 10.84 acres of property from an R-SF, Single-Family Residential District to an O-1, Office District and GR, General Retail District. This would allow a residential care facility as a permitted use at this location and extend the General Retail uses to the new extension of Market Avenue. A preliminary plat has been submitted to be reviewed along with the proposed rezoning request. There is currently an automotive, RV and ATV sales and service business on the eastern side of the property which is considered a non-conforming use. The current property owner will



retain the rezoned GR property that lies east of Market Avenue and it will create a lot that is zoned consistently from Campbell to Market.

2. The Growth Management and Land Use Plan of the City's Comprehensive Plan designates this area as appropriate for medium-intensity retail, office or housing. This mixed category recommends a variety of commercial and/or mid-or high-density housing. Since these land uses may have differing impacts on adjacent low-density housing and on traffic generation, the site planning guidelines of this plan and regulations of the Zoning Ordinance must be observed during the site planning process. The medium-intensity retail, office or housing category lists General Retail and Office as appropriate zoning districts within these areas.
3. The Office District is designed to be a restrictive district for low-intensity office or professional uses which may be located outside the center city adjacent to any of the residential districts, with appropriate buffers and landscaping so as not to create an adverse effect on adjacent residential areas. The General Retail District is intended for uses that provide community-wide personal, business services, shopping centers and specialty shops. Commercial uses permitted in this district are generally required to conduct business activities indoors. The district is also intended to be located at the intersection of two arterial classified streets like Sunset and Campbell. Staff believes the proposed rezoning meets the recommendation of the City's Comprehensive Plan and intent of the proposed districts.
4. Sunset Street is classified as a secondary arterial which is an appropriate location for the proposed uses. Public Works Traffic Division determined that the change in zoning will not result in a significant increase in trip generation; therefore no traffic impact study is required.
5. The Zoning Ordinance requires a Bufferyard "F" between the General Retail District and any adjacent R-SF districts. The Bufferyard "F" requires a minimum open space of twenty (20) feet wide with the following plantings per one hundred (100) linear feet: three (3) canopy trees, three (3) understory trees, four (4) evergreen trees and twenty-four (24) shrubs. A six foot solid wood fence, masonry wall, solid evergreen hedge or earthen berm is required along the property boundary if a twenty (20) foot bufferyard is used. If a twenty-five (25) foot bufferyard is chosen then a fence, wall or hedge is not required. All structures shall also remain below a thirty (30) degree bulk plane as measured from the boundaries of any residential districts.
6. The Zoning Ordinance requires a Bufferyard "C" between the O-1, Office District and any adjacent R-SF districts. The Bufferyard "C" requires a minimum open space of fifteen (15) feet wide with the following plantings per one hundred (100) linear feet: one (1) canopy tree, two (2) understory trees, two (2) evergreen trees and ten (10) shrubs. Principal buildings and parking garages have a maximum structure height of thirty-five (35) feet, except that all structures shall also remain below a forty-five (45) degree bulk plane as measured from the boundaries of any residential districts.

7. The Zoning Ordinance requires perimeter landscaping where a parking lot or vehicular use area is within fifty (50) feet of a public right-of-way and there is not an intervening building. Perimeter landscaping is a minimum open space of ten (10) feet wide between the abutting right-of-way and the off-street parking or vehicular use area with the following plantings per hundred linear feet: one (1) canopy tree, one (1) understory, ornamental, or evergreen tree and four (4) shrubs.
8. The City's Exterior Lighting Standards restrict the permitted lumination to no more than one-half (0.5) footcandles at any point along the perimeter of a property where it adjoins a residential zoning district or is separated from a residential district by a right-of-way of seventy (70) feet or less; and one (1) footcandle at any other point along the perimeter of the property. It also states that there shall be no lighting of a blinking, flashing, rotating or fluttering nature, including changes in light intensity, brightness, or color except for public safety purposes. A site lighting plan for uses requiring site plan review is required to be submitted and approved by the City that meet these requirements.

#### FINDINGS FOR STAFF RECOMMENDATION:

1. The Comprehensive Plan designates this area as appropriate for medium-intensity retail, office or housing uses.
2. The O-1, Office District is designed to be a restrictive district for low-intensity office or professional uses which may be located outside the center city adjacent to any of the residential districts.
3. The GR, General Retail District is intended for uses that provide community-wide personal and business services. The General Retail District is consistent and comparable with the existing intensity of uses located along Campbell Avenue.

#### FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

1. None

#### RECOMMENDATION:

Staff recommends **approval** of this request.

#### STAFF CONTACT PERSON:

Daniel Neal  
Senior Planner



## SCOTT CONSULTING ENGINEERS, P.C.

550 ST. LOUIS STREET • SPRINGFIELD, MISSOURI 65806 • (417) 866-8644 • FAX: (417) 866-3035

October 5, 2009

PN 109022.02

RE: Re-Zoning of 640 W. Sunset Street

To Whom It May Concern:

On behalf of CornerStone Health Care, Inc. the management company for Regional Care of Springfield, LLC, an application for a zoning classification change has been re-submitted to the City of Springfield Planning and Development Department for the above referenced property. The re-submittal is based on the comments received during the neighborhood meeting of September 17<sup>th</sup>.

You are receiving this letter because the City of Springfield requires that all property owners within 500-feet of the property to be re-zoned be notified of the change, and a Neighborhood Meeting be held for interested parties to attend. The date for the meeting will be on Thursday, October 15, at 6:30 PM. The meeting will be held at the Fire Station #8 community room located at 1405 S. Scenic Avenue (across from Ewing Park). This is the same location as the previous meeting. We will have a short presentation followed by questions from the attendees.

The purpose of the meeting is to provide information about the re-submittal, as well as listen to and address any issues regarding the change that may be of concern to the neighbors. You are encouraged to attend to learn more about the zoning changes, and to discuss any issues regarding such. We look forward to seeing you at the meeting.

Respectfully,

SCOTT CONSULTING ENGINEERS, P.C.

A handwritten signature in cursive script, appearing to read 'Jane Earnhart', is written over the company name.

Jane Earnhart, R.L.A.  
Project Manager

cc: David McDonough (CornerStone Health Care, Inc.)  
David Conyers (Guest Reddick Architects)  
Pete Stayton (CornerStone Health Care, Inc.)

Neighborhood Meeting 10/15/09  
Fire Station #8

The attendance sheet is attached. Over ten people attended the meeting. The primary concerns raised by the neighbors included:

Residential Care Facility Trash Disposal and Truck Deliveries – The neighbors were concerned about the frequency of the truck traffic (view and noise). The Care Facility uses a trash compactor within a screened area that is currently planned on the south side of the proposed building. The compactor allows for trash trucks to visit the facility less often. The neighbors asked if the trash/delivery area could be placed on the north side of the building, but this would put it completely opposite from the kitchen (which is located toward the rear).

Drainage at Main Avenue – Apparently there is an existing drainage problem where Main Avenue currently stubs up to this property. This will be addressed when the site is re-graded to accommodate the care facility on a single level.

Bufferyard along southern boundary – The neighbors prefer a solid barrier (privacy fence) along the southern property line. They also inquired if a berm might be possible. We indicated that the bufferyard is beneath an overhead electric line. Therefore, two understory trees must be planted in lieu of each canopy tree. This will help screen the rear of the care facility. The design team will encourage the developer to incorporate a privacy fence along the southern boundary.

The following questions are being deferred to City staff for answers:

- Will parking be allowed along Market Street?
- Can speed bumps be installed along Market Street?
- Will a sign be installed to indicate "90-degree turn ahead" for southbound traffic along Market Street?
- Should the circle drive (truck area) be connected to Main Street?

# MEETING SIGN-IN SHEET

DATE: 10-15-09

EVENT: Neighborhood Meeting

LOCATION: Seismic Fire Station

NAME ADDRESS PHONE EMAIL

Jane Earnhart 550 Saint Louis St. 417-866-8644 janeearnhart@scotteng.com

Curtis Kelly 617 W Greenwood St 417-886-8105 milkway@att.net

Ratty I Schaefer 2732 S Grant 417 8897165

Rosemary Marshall 2724 S Grant 417 224-1724 fliptrpsee2724@aol.com

Roganda Lee Webb 523 W. Greenwood 417 882-9973

Alton Clark 514 W. Greenwood 417 883-7652

Betty Haynes 529 W Greenwood 887-9023 betiannw2007@sbcglobal.net

John Dehnke 2132 S Grant Ave 889-7165

Eric Hawkins 2702 S Grant Ave 343-3369 emhawkins@skybbol.net

Guy J. Hawkins 734 W. Morningstar 887-1748 g.j.hawkins@att.net

Wendy J. Hight

GALEEN PELLHAM 4732 ROYAL DR 883-4239

